

# HOUSE JOURNAL

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SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SIXTY-NINTH DAY — FRIDAY, MAY 9, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 362).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Thompson.

The invocation was offered by Stuart Smith, Seminary Intern, Westlake Hills Presbyterian Church, Austin, as follows:

Loving God, you are our rock, our fortress, and our deliverer. We take refuge in your graciousness. We cry out to you when we do not know if you are listening, but you are there. Reassure us in our time of doubt. In our time of separation from our families, in our time of decision making, reassure us that you are there. We pray this morning that you will guide our decision making, that it would reflect the love for our fellow brothers and sisters that you have commanded us to share.

Merciful God, we take time today to pray for the friends and family of DaNydia Thompson. We pray that you will comfort them as they endure their time of loss. Reassure them that you are a God of love, taking DaNydia into your loving arms.

Lord, you know that we are tired and that the end of the session is drawing near. We know that you have called us here for specific reasons. Help us to understand our call and our role as we serve you in various tasks. Help everyone involved with this session to finish strong. Grant us strength when we are weak. You have told us that there is a time for everything under the

sun. Grant us wisdom to know when it is time to tear and when to mend and when conflict is needed and when peace is called for. We also pray that you will guide our steps and that our actions may reflect the love that was demonstrated through your son Jesus. We praise you God from everlasting to everlasting. Amen.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today because of important business:

Thompson on motion of Patterson.

### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 51, Senate List No. 21).

### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Hamric who presented Dr. Earl Martin of Tomball as the "Doctor for the Day."

The house welcomed Dr. Martin and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

### **HR 811 - ADOPTED (by Giddings)**

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 811**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 811**, Congratulating Jeddie Alexander on receiving the 1996 Ronald Pearce Blind Employee of the Year Award.

**HR 811** was read and was adopted without objection.

### **INTRODUCTION OF GUEST**

The speaker recognized Representative Giddings, who introduced Jeddie Alexander.

### **HR 865 - ADOPTED (by Seaman)**

Representative Seaman moved to suspend all necessary rules to take up and consider at this time **HR 865**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 865**, Recognizing Robert Wilson Elementary School for winning the Odyssey of the Mind competition.

**HR 865** was adopted without objection.

**HR 859 - ADOPTED**  
(by Ramsay)

Representative Ramsay moved to suspend all necessary rules to take up and consider at this time **HR 859**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 859**, Congratulating Allison B. Ramsay on her graduation from Mount Vernon High School.

**HR 859** was adopted without objection.

**HR 860 - ADOPTED**  
(by Ramsay)

Representative Ramsay moved to suspend all necessary rules to take up and consider at this time **HR 860**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 860**, Congratulating Mark Thomas Ramsay on his graduation from Baylor University.

**HR 860** was adopted without objection.

**HCR 243 - ADOPTED**  
(by Ramsay)

Representative Ramsay moved to suspend all necessary rules to take up and consider at this time **HCR 243**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HCR 243**, In memory of Robert W. Wright.

**HCR 243** was unanimously adopted by a rising vote.

**HR 789 - ADOPTED**  
(by Staples)

Representative Staples moved to suspend all necessary rules to take up and consider at this time **HR 789**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 789**, Recognizing May 1997 as Older Americans Month.

**HR 789** was adopted without objection.

**HR 864 - ADOPTED**  
**(by Luna)**

Representative Luna moved to suspend all necessary rules to take up and consider at this time **HR 864**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 864**, Honoring Baker Middle School's Odyssey of the Mind team on their recent achievement.

**HR 864** was adopted without objection.

**HCR 200 - ADOPTED**  
**(by Gallego)**

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HCR 200**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HCR 200**, Honoring Dr. Frank Bash for his role in the creation of the Hobby-Eberly Telescope.

**HCR 200** was read and was adopted without objection.

On motion of Representative Junell, the names of all the members of the house were added to **HCR 200** as signers thereof.

**INTRODUCTION OF GUEST**

The speaker recognized Representative Gallego, who introduced Dr. Frank Bash.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING**  
**AND REFERRAL TO COMMITTEES**  
**RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

**HR 855 - ADOPTED**  
**(by Hodge)**

Representative Hodge moved to suspend all necessary rules to take up and consider at this time **HR 855**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 855**, Congratulating William and Jean McKinney on the occasion of their 50th wedding anniversary.

**HR 855** was adopted without objection.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 855** as signers thereof.

**HR 856 - ADOPTED**  
**(by Hodge)**

Representative Hodge moved to suspend all necessary rules to take up and consider at this time **HR 856**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 856**, Honoring Dick Solo for his service to his community and state.

**HR 856** was adopted without objection.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 856** as signers thereof.

**HR 863 - ADOPTED**  
**(by Cuellar)**

Representative Cuellar moved to suspend all necessary rules to take up and consider at this time **HR 863**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 863**, Commemorating the opening of the Northside Sub-Station in Laredo.

**HR 863** was adopted without objection.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 863** as signers thereof.

**HR 871 - ADOPTED**  
**(by R. Lewis)**

Representative R. Lewis moved to suspend all necessary rules to take up and consider at this time **HR 871**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 871**, Recognizing Mother's Day, May 11, 1997.

**HR 871** was read and was adopted without objection.

By unanimous consent, the names of all the members of the house were added to **HR 871** as signers thereof.

**SB 1852 - RECOMMITTED**

Representative Hill moved to recommit **SB 1852** to the Committee on Urban Affairs.

The motion prevailed without objection.

**POSTPONED BUSINESS**

The following bills and resolutions were laid before the house as postponed business:

**CSSB 1739 ON SECOND READING  
(Oliveira - House Sponsor)**

**CSSB 1739**, A bill to be entitled An Act relating to the listing on an ad valorem tax appraisal roll of possessory interests in certain property used in the operation or development of a port or waterway or in aid of navigation-related commerce.

**CSSB 1739** was considered in lieu of **CSHB 2293**.

**CSSB 1739** was read second time and was passed to third reading.

**CSHB 2293 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Seaman moved to lay **CSHB 2293** on the table subject to call.

The motion prevailed without objection.

**HB 50 ON SECOND READING  
(by Madden)**

**HB 50**, A bill to be entitled An Act relating to the regulation of political contributions and political expenditures in connection with certain judicial candidates and officeholders.

**HB 50** was read second time on May 2 and was postponed until 10 a.m. today.

Representative Madden moved to postpone consideration of **HB 50** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

**HB 2087 ON SECOND READING  
(by Raymond and Chavez)**

**HB 2087**, A bill to be entitled An Act relating to directing the Texas Veterans Commission to determine the need for establishing state cemeteries for veterans.

**HB 2087** was read second time on May 2 and was postponed until 10 a.m. today.

Representative Raymond moved to postpone consideration of **HB 2087** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

**CSHB 2762 ON SECOND READING  
(by Walker, et al.)**

**CSHB 2762**, A bill to be entitled An Act relating to a lien for the processing or harvesting of cotton.

**CSHB 2762** was read second time on May 2 and was postponed until this time.

Representative Walker moved to postpone consideration of **CSHB 2762** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

**SB 1696 ON SECOND READING**  
**(Olivo - House Sponsor)**

**SB 1696**, A bill to be entitled An Act relating to the enforcement of land use restrictions in certain counties.

**SB 1696** was considered in lieu of **HB 3029**.

**SB 1696** was read second time and was passed to third reading.

**HB 3029 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Olivo moved to lay **HB 3029** on the table subject to call.

The motion prevailed without objection.

**SB 1158 ON SECOND READING**  
**(Sadler - House Sponsor)**

**SB 1158**, A bill to be entitled An Act relating to regional education service centers.

**SB 1158** was considered in lieu of **HB 2839**.

**SB 1158** was read second time and was passed to third reading. (Heflin and Keffer recorded voting no)

**HB 2839 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Sadler moved to lay **HB 2839** on the table subject to call.

The motion prevailed without objection.

**CSSB 973 ON SECOND READING**  
**(Hunter - House Sponsor)**

**CSSB 973**, A bill to be entitled An Act relating to the State Cemetery and the creation of the State Cemetery Committee.

**CSSB 973** was considered in lieu of **CSHB 840**.

**CSSB 973** was read second time and was passed to third reading.

**CSHB 840 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Hunter moved to lay **CSHB 840** on the table subject to call.

The motion prevailed without objection.

**CSHB 2055 ON SECOND READING**  
**(by Maxey)**

**CSHB 2055**, A bill to be entitled An Act relating to prepaid higher education tuition scholarships for needy students.

**CSHB 2055** was read second time on May 6 and was postponed until 10 a.m. today.

Representative Maxey moved to postpone consideration of **CSHB 2055** until 8 p.m. Thursday, May 15.

The motion prevailed without objection.

**HB 2050 ON SECOND READING**  
**(by Garcia)**

**HB 2050**, A bill to be entitled An Act relating to the recall of a member of the board of trustees of a junior college district.

**HB 2050** was read second time on May 5, postponed until May 6, and was again postponed until 10 a.m. today.

(McCall in the chair)

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today because of important business:

Smithee on motion of Craddick.

**HB 2050 - (consideration continued)**

Representative Kubiak moved to table **HB 2050**.

A record vote was requested.

The motion to table prevailed by (Record 363): 121 Yeas, 10 Nays, 6 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Giddings; Goolsby; Gray; Greenberg; Hamric; Hawley; Heflin; Hernandez; Hightower; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keffer; King; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McClendon; McReynolds; Merritt; Moffat; Mowery; Naishtat; Nixon; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Rabuck; Ramsay; Reyna, A.; Rhodes; Roman; Sadler; Seaman; Shields; Siebert; Smith; Solis; Solomons; Staples; Stiles; Swinford; Talton; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Galloway; Grusendorf; Hartnett; Horn; Keel; Krusee; Moreno; Rangel; Reyna, E.; Telford.

Present, not voting — Mr. Speaker; Goodman; Gutierrez; Haggerty; McCall(C); Puente.

Absent, Excused — Smithee; Thompson.



Absent — Averitt; Coleman; Cuellar; Garcia; Glaze; Hilbert; Marchant; Oakley; Raymond; Serna.

### **STATEMENT OF VOTE**

When Record No. 363 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hilbert

(Thompson now present)

### **CSSB 500 ON SECOND READING**

**(Danburg, Madden, Hodge, J. Jones, and Denny - House Sponsors)**

**CSSB 500**, A bill to be entitled An Act relating to certain voter registration processes and procedures.

**CSSB 500** was considered in lieu of **CSHB 1852**.

**CSSB 500** was read second time and was passed to third reading.

### **CSHB 1852 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Danburg moved to lay **CSHB 1852** on the table subject to call.

The motion prevailed without objection.

### **SB 863 ON SECOND READING**

**(Jackson - House Sponsor)**

**SB 863**, A bill to be entitled An Act relating to precommitment approval for certain purchases of a port authority.

**SB 863** was considered in lieu of **CSHB 3011**.

**SB 863** was read second time and was passed to third reading.

### **CSHB 3011 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Jackson moved to lay **CSHB 3011** on the table subject to call.

The motion prevailed without objection.

### **SB 1750 ON SECOND READING**

**(Danburg and Woolley - House Sponsors)**

**SB 1750**, A bill to be entitled An Act relating to the creation, administration, powers, and duties of the Upper Kirby Management District; granting the authority to issue bonds; authorizing a tax.

**SB 1750** was considered in lieu of **CSHB 3146**.

**SB 1750** was read second time and was passed to third reading.

### **CSHB 3146 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Danburg moved to lay **CSHB 3146** on the table subject to call.

The motion prevailed without objection.

**SB 1829 ON SECOND READING**  
**(Pickett - House Sponsor)**

**SB 1829**, A bill to be entitled An Act relating to the dissolution of the San Elizario Grant Municipal Utility District and the transfer of its territory, assets, and liabilities to the Lower Valley Water District.

**SB 1829** was considered in lieu of **HB 3552**.

**SB 1829** was read second time and was passed to third reading.

**HB 3552 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Pickett moved to lay **HB 3552** on the table subject to call.

The motion prevailed without objection.

**SB 1830 ON SECOND READING**  
**(Pickett - House Sponsor)**

**SB 1830**, A bill to be entitled An Act relating to the inclusion of the territory of the Town of Clint in the Lower Valley Water District.

**SB 1830** was considered in lieu of **CSHB 3554**.

**SB 1830** was read second time and was passed to third reading.

**CSHB 3554 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Pickett moved to lay **CSHB 3554** on the table subject to call.

The motion prevailed without objection.

**SB 1851 ON SECOND READING**  
**(Junell - House Sponsor)**

**SB 1851**, A bill to be entitled An Act relating to the violation of a rule of a national collegiate athletic association.

**SB 1851** was considered in lieu of **HB 2425**.

**SB 1851** was read second time and was passed to third reading.

**HB 2425 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Junell moved to lay **HB 2425** on the table subject to call.

The motion prevailed without objection.

**CSSB 1033 ON SECOND READING**  
**(Hawley - House Sponsor)**

**CSSB 1033**, A bill to be entitled An Act relating to the ad valorem taxation of property and to the appraisal of property for ad valorem tax purposes.

**CSSB 1033** was considered in lieu of **HB 2682**.

**CSSB 1033** was read second time and was passed to third reading.

**HB 2682 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Hawley moved to lay **HB 2682** on the table subject to call.

The motion prevailed without objection.

**SB 881 ON SECOND READING**  
**(Oakley - House Sponsor)**

**SB 881**, A bill to be entitled An Act relating to the denial of the renewal of the driver's license of persons who violate their promise to appear on certain offenses or who fail to pay the fine for certain offenses.

**SB 881** was considered in lieu of **HB 1115**.

**SB 881** was read second time.

**Amendment No. 1**

Representative Goolsby offered the following amendment to **SB 881**:

Amend **SB 881** by adding a new appropriately numbered section to read as follows and by renumbering the existing sections as appropriate:

SECTION \_\_. (a) Article 6687d, Revised Statutes, is amended by adding Section 2A to read as follows:

Sec. 2A. MUNICIPAL PARKING FINES. (a) A municipality may contract with the department to provide information necessary for the department to deny renewal of the driver's license of a person who has an unpaid fine for a violation of a municipal ordinance regulating the parking or stopping of a vehicle.

(b) A violation of an ordinance under this section may be reported to the department only if:

(1) the fine is past due;

(2) the person has failed to make a timely appearance in court to challenge the imposition of the fine; and

(3) the person owes the municipality more than \$100 in the aggregate in past due fines, including the fine for which a report is made, for violations of municipal ordinances regulating the parking or stopping of a vehicle.

(c) A contract under this section must be made in accordance with Chapter 791, Government Code. A contract under this section is subject to the ability of the parties to provide or pay for the services required under the contract.

(d) If a contract is entered into under this section:

(1) the department may, on the receipt of the necessary information, deny the renewal of a driver's license in the same manner as for a contract under Section 2 of this article; and

(2) the municipality shall perform its duties in the same manner as for a contract under Section 2 of this article.

(e) If a municipality enters into a contract under this section, a citation for a violation of a municipal ordinance regulating the parking or stopping of a vehicle must include a warning as required by Section 3(a) of this article. The warning must state in substance that if the person fails to pay a fine associated with the violation, the person may be denied renewal of the person's driver's license.

(f) The municipality shall notify the department that there is no cause to continue to deny renewal of a person's driver's license based on a violation of a municipal ordinance regulating the parking or stopping of a vehicle if:

(1) the person pays a fee in the amount provided by Section 4(c) of this article; and

(2) an event stated under Section 4(b) of this article that is applicable to a violation of a municipal ordinance occurs.

(b) The change in law made by this section applies only to the violation of a municipal ordinance regulating parking or the stopping of a vehicle that occurs on or after the effective date of this section. For purposes of this subsection, a violation is committed before the effective date of this section if any element of the violation occurs before that date.

Amendment No. 1 was adopted without objection.

**SB 881**, as amended, was passed to third reading.

### **HB 1115 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Oakley moved to lay **HB 1115** on the table subject to call.

The motion prevailed without objection.

### **HJR 73 ON SECOND READING**

**(by Chisum and Rabuck)**

**HJR 73**, A joint resolution proposing a constitutional amendment authorizing counties to maintain private roads that are used by public school buses.

**HJR 73** was read second time on May 8, amended, and was postponed until 10 a.m. today.

#### **Amendment No. 3**

Representative Chisum offered the following amendment to **HJR 73**:

Amend **HJR 73** as follows:

(1) On page 1, lines 6-9, strike added Section 52g and substitute the following:

Sec. 52g. (a) A county may maintain a private, unpaved road if:

(1) the private road is used by a public school bus for the purpose of transporting students to or from a public school; and

(2) the county commissioners court and the appropriate school board each adopt a resolution declaring a public necessity for county maintenance of the road.

(b) The legislature by general law may limit the authority granted by this section.

(2) On page 1, lines 13-14, strike the ballot proposition and substitute: "The constitutional amendment authorizing a county to maintain private, unpaved roads used by public school buses on resolution by the commissioners court and school board that the county maintenance is a public necessity."

#### **Amendment No. 4**

Representative Dunnam offered the following amendment to Amendment No. 3:

Amend the Chisum amendment to **HJR 73** as follows:

(1) On page 1, immediately after line 11, insert the following:

"(b) The county may assess costs on the land on which the private road

is located for any unreimbursed costs incurred in performing maintenance on the private road.

(c) The commissioners court shall provide by order for:

(1) the assessment of maintenance costs incurred under Subsection (b);

(2) a method of giving notice of the assessment; and

(3) a method of recovering the expenses.

(d) Promptly after the assessment, the county must file for record, in recordable form in the office of the county clerk in which the land is located, a written notice of the imposition of a lien, if any, that is imposed on the land. The notice must contain a legal description of the land, the amount of the assessment, and the owner if known. The lien arises and attaches to the land at the time the notice of the assessment is recorded and indexed in the office of the county clerk in the county in which the land is located. The notice to secure the assessment is inferior to any previously recorded bona fide mortgage lien attached to the land to which the county's lien attaches if the mortgage lien was filed for record in the office of the county clerk of the county in which the land is located before the date the notice is recorded and indexed in the office of the county clerk. The assessment lien is superior to all other previously recorded judgment liens."

(2) On page 1, line 12, strike "this authority" and substitute "the authority granted by this section".

(3) Redesignate current Subsection (b) of proposed Section 52g, Article III, on page 1, line 12, as Subsection (e).

Representative Chisum moved to table Amendment No. 4.

The motion to table was lost.

A record vote was requested.

Amendment No. 4 was adopted by (Record 364): 75 Yeas, 67 Nays, 3 Present, not voting.

Yeas — Bailey; Berlanga; Bosse; Burnam; Chavez; Counts; Crabb; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Farrar; Flores; Garcia; Giddings; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Heflin; Hernandez; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Horn; Jones, J.; Junell; Keel; Lewis, G.; Longoria; Luna; Marchant; Maxey; McClendon; Moreno; Mowery; Naishtat; Nixon; Oakley; Olivo; Pickett; Pitts; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Sadler; Serna; Solis; Tillery; Torres; Turner, S.; Van de Putte; Wise; Woolley; Yarbrough; Zbranek.

Nays — Alexander; Allen; Averitt; Bonnen; Brimer; Carter; Chisum; Christian; Clark; Coleman; Cook; Corte; Craddick; Eiland; Finnell; Galloway; Glaze; Goodman; Goolsby; Hawley; Hightower; Hilbert; Hilderbran; Holzheuser; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Kamel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, R.; Madden; McReynolds; Merritt; Moffat; Oliveira; Palmer; Patterson; Place; Rabuck; Rhodes; Roman; Seaman; Shields; Siebert; Smith; Solomons; Staples; Stiles; Swinford; Talton; Thompson; Turner, B.; Uher; Walker; West; Williams; Williamson; Wilson; Wohlgemuth.

Present, not voting — Mr. Speaker; Alvarado; McCall(C).

Absent, Excused — Smithee.

Absent — Gallego; Telford; Wolens.

Representative Chisum moved to table **HJR 73**.

The motion to table prevailed.

(Speaker in the chair)

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Criminal Jurisprudence, on noon recess today, Desk 46, to consider **HB 573, HB 1864, HB 2194, HB 2199, HB 2496, SB 78, SB 185, and SB 627**.

Civil Practices, on noon recess today, Desk 6, to consider **HB 172**.

Natural Resources, on noon recess today, Desk 9.

Criminal Jurisprudence, Subcommittee on Bail Bonds, on adjournment of lunch meeting of full Criminal Jurisprudence committee today, Desk 46, to consider pending bills.

State, Federal, and International Relations, on noon recess today, Desk 128, to consider **SB 1202**.

Urban Affairs, on noon recess today, Desk 73, to consider **SB 1852**.

### **RECESS**

Representative D. Jones moved that the house recess until 2 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:31 p.m., recessed until 2 p.m. today.

### **AFTERNOON SESSION**

The house met at 2 p.m. and was called to order by the speaker.

### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

### **HR 868 - ADOPTED (by Culberson and Heflin)**

Representative Heflin moved to suspend all necessary rules to take up and consider at this time **HR 868**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 868**, Congratulating the National Academic Decathlon Champion team from Katy Taylor High School.

**HR 868** was read and was adopted without objection.

On motion of Representative Heflin, the names of all the members of the house were added to **HR 868** as signers thereof.

### **INTRODUCTION OF GUESTS**

The speaker recognized Representatives Culberson and Heflin, who introduced the National Academic Decathlon team from Katy Taylor High School.

(Junell in the chair)

### **MAJOR STATE CALENDAR HOUSE BILLS THIRD READING**

The following bills were laid before the house and read third time:

#### **HB 2577 ON THIRD READING**

(by Hill, Ehrhardt, Cuellar, Coleman, Bailey, et al.)

**HB 2577**, A bill to be entitled An Act relating to the Texas Department of Housing and Community Affairs.

(Speaker in the chair)

**HB 2577** was passed.

#### **HB 2778 ON THIRD READING (by Junell)**

**HB 2778**, A bill to be entitled An Act relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

**HB 2778** was passed.

The speaker stated that **HB 2778** was passed subject to the provisions of Article III, Section 49a, of the Texas Constitution.

#### **HB 99 ON THIRD READING (by Gray, Oliveira, and G. Lewis)**

**HB 99**, A bill to be entitled An Act relating to the funding and operation of certain emergency management and disaster relief programs.

**HB 99** was passed.

### **MAJOR STATE CALENDAR SENATE BILLS THIRD READING**

The following bills were laid before the house and read third time:

#### **SB 358 ON THIRD READING (Telford - House Sponsor)**

**SB 358**, A bill to be entitled An Act relating to the continuation and functions of the Credit Union Commission.

**SB 358** was passed.

**SB 1706 ON THIRD READING**  
**(Junell - House Sponsor)**

**SB 1706**, A bill to be entitled An Act relating to the funding of passenger rail service by the Texas Department of Transportation.

A record vote was requested.

**SB 1706** was passed by (Record 365): 112 Yeas, 30 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Clark; Coleman; Cook; Corte; Counts; Cuellar; Danburg; Delisi; Denny; Driver; Dukes; Dunnam; Edwards; Ehrhardt; Eiland; Farrar; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hartnett; Hawley; Hightower; Hilbert; Hill; Hinojosa; Hirschi; Hodge; Howard; Hunter; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; Kubiak; Lewis, G.; Lewis, R.; Longoria; Madden; Marchant; Maxey; McClendon; McReynolds; Merritt; Moffat; Mowery; Naishtat; Oakley; Oliveira; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Serna; Shields; Siebert; Solis; Solomons; Staples; Stiles; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Yarbrough.

Nays — Alvarado; Chisum; Christian; Crabb; Craddick; Culberson; Davila; Davis; Dutton; Elkins; Finnell; Hamric; Heflin; Hilderbran; Hochberg; Holzhauser; Horn; Hupp; King; Krusee; Kuempel; Luna; Nixon; Rangel; Seaman; Swinford; Talton; Williams; Woolley; Zbrank.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Smithee.

Absent — Hernandez; McCall; Moreno; Olivo; Smith.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 365. I intended to vote no.

Corte

When Record No. 365 was taken, I was in the house but away from my desk. I would have voted yes.

Hernandez

When Record No. 365 was taken, I was in the house but away from my desk. I would have voted yes.

McCall

**MAJOR STATE CALENDAR**  
**HOUSE BILLS**  
**SECOND READING**

The following bills were laid before the house and read second time:



**CSHB 319 ON SECOND READING**  
**(by Hernandez)**

**CSHB 319**, A bill to be entitled An Act relating to the creation of an electronic state business daily to give notice before a state agency makes a procurement with a value that exceeds \$25,000.

Representative Hernandez moved to postpone consideration of **CSHB 319** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

**HB 625 ON SECOND READING**  
**(by Hernandez)**

**HB 625**, A bill to be entitled An Act relating to the disclosure of certain information submitted to a governmental entity by a potential vendor or contractor.

**HB 625** was passed to engrossment. (Corte and Heflin recorded voting no)

**CSHB 2069 ON SECOND READING**  
**(by Denny)**

**CSHB 2069**, A bill to be entitled An Act relating to certain information provided in an application for a marriage license.

**Amendment No. 1**

Representative Goodman offered the following amendment to **CSHB 2069**:

Amend **CSHB 2069** on page 3, by striking lines 1-4, and substituting the following appropriately numbered section:

SECTION \_\_\_\_\_. Section 2.009, Family Code, as added by S.B. 334, Acts of the 75th Legislature, Regular Session, 1997, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsections [~~Subsection~~] (b) and (d), the county clerk may not issue a license if either applicant:

- (1) fails to provide the information required by this subchapter;
- (2) fails to submit proof of age and identity;
- (3) is under 14 years of age and has not been granted a court order as provided by Section 2.103;
- (4) is 14 years of age or older but under 18 years of age and has not presented at least one of the following:

(A) parental consent as provided by Section 2.102;

(B) documents establishing that a prior marriage of the applicant has been dissolved; or

(C) a court order as provided by Section 2.103;

(5) checks "false" in response to a statement in the application, except as provided by Subsection (b) or (d), or fails to make a required declaration in an affidavit required of an absent applicant; or

(6) indicates that the applicant has been divorced by a decree of a court of this state within the last 30 days, unless:

(A) the applicants were divorced from each other; or  
(B) the prohibition against remarriage is waived as provided by Section 6.802.

(d) The county clerk may not refuse to issue a license to an applicant on the ground that the applicant checked "false" in response to the statement "I am not presently delinquent in the payment of court-ordered child support."

Amendment No. 1 was adopted without objection.

**CSHB 2069**, as amended, was passed to engrossment.

**CSHB 3324 ON SECOND READING**  
**(by Talton)**

**CSHB 3324**, A bill to be entitled An Act relating to civil service for firefighters and police officers in certain municipalities.

Representative Talton moved to postpone consideration of **CSHB 3324** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

**CSHB 2798 ON SECOND READING**  
**(by Marchant)**

**CSHB 2798**, A bill to be entitled An Act relating to tax-exempt private activity bonds.

**CSHB 2798** was passed to engrossment.

**CSHB 66 ON SECOND READING**  
**(by Cuellar, Pitts, et al.)**

**CSHB 66**, A bill to be entitled An Act relating to unfunded state mandates on political subdivisions.

**CSHB 66** was passed to engrossment.

**CSHB 3350 ON SECOND READING**  
**(by Place, Keel, and Oakley)**

**CSHB 3350**, A bill to be entitled An Act relating to the criminal offenses applicable to gambling and gambling devices.

**Amendment No. 1**

Representative Chavez offered the following amendment to **CSHB 3350**:

Amend **CSHB 3350** as follows:

(1) On page 4, line 19, through page 5, line 12, strike SECTION 3 of the bill and substitute the following:

SECTION 3. Section 47.03(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person ~~[he]~~ intentionally or knowingly does any of the following acts with the intent to further gambling:

(1) operates or participates in the earnings of a gambling place or gambling device;

(2) engages in bookmaking;

(3) for gain, becomes a custodian of anything of value bet or offered to be bet;

(4) sells chances on the partial or final result of or on the margin of victory in any game or contest or on the performance of any participant in any game or contest or on the result of any political nomination, appointment, or election or on the degree of success of any nominee, appointee, or candidate; or

(5) for gain, sets up or promotes any lottery or sells or offers to sell or knowingly possesses for transfer, or transfers any card, stub, ticket, check, or other device designed to serve as evidence of participation in any lottery.

(2) On page 5, lines 13-16, strike SECTION 4 of the bill and renumber the remaining SECTIONS of the bill accordingly.

(Smithee now present)

Amendment No. 1 was withdrawn.

**CSHB 3350** was passed to engrossment. (Swinford recorded voting yes; Merritt, no)

### STATEMENT BY REPRESENTATIVE WILLIAMS

I would like for the record to reflect my enthusiastic support of **HB 3350** by Representative Place.

This bill draws the much needed distinction between "amusement" machines and "gambling" devices.

Williams

### CSHB 172 ON SECOND READING (by Nixon)

**CSHB 172**, A bill to be entitled An Act relating to contract claims against a unit of state government.

#### Amendment No. 1

Representative Nixon offered the following amendment to **CSHB 172**:

Amend **CSHB 172** as follows:

(1) On page 1, line 17, strike "A claimant" and substitute, "Subject to Section 111.003, a claimant".

(2) On page 2, between lines 7 and 8, insert the following:

Sec. 111.003. ALTERNATIVE DISPUTE RESOLUTION SYSTEM. If the affected unit of state government has established an alternative dispute resolution process applicable to the subject matter of the claim, a claimant may not bring suit for money damages under Section 111.002 before complying with the alternative dispute resolution process.

(3) On page 2, line 8, strike "111.003" and substitute "111.004".

(4) On page 2, line 11, strike "111.004" and substitute "111.005".

(5) On page 2, line 13, strike "111.005" and substitute "111.006".

(6) On page 2, line 19, strike "111.006" and substitute "111.007".

(7) On page 2, line 24, strike "111.007" and substitute "111.008".

(8) On page 2, line 26, strike "111.008" and substitute "111.009".

(9) On page 3, line 9, strike "111.009" and substitute "111.010".

(10) On page 3, line 12, strike "111.010" and substitute "111.011".

Amendment No. 1 was adopted without objection.

(Junell in the chair)

**CSHB 172**, as amended, was passed to engrossment.

(Speaker in the chair)

### **CSHB 1188 ON SECOND READING**

**(by Danburg, Patterson, Marchant, Hill, Hernandez, et al.)**

**CSHB 1188**, A bill to be entitled An Act relating to permitting an encumbrance against homestead property for certain extensions of equity credit.

Representative Danburg moved to postpone consideration of **CSHB 1188** until 3:30 p.m. today.

The motion prevailed without objection.

### **CONSTITUTIONAL AMENDMENTS CALENDAR HOUSE JOINT RESOLUTIONS SECOND READING**

The following resolutions were laid before the house and read second time:

### **CSHJR 31 ON SECOND READING**

**(by Patterson, Marchant, Danburg, Rabuck, Solomons, et al.)**

**CSHJR 31**, A joint resolution proposing a constitutional amendment permitting an encumbrance against homestead property for certain extensions of equity credit.

#### **Amendment No. 1**

Representative Wolens offered the following amendment to **CSHJR 31**:

Amend **CSHJR 31** by striking everything below the resolving clause and substituting the following:

"SECTION 1. Section 50, Article XVI, Texas Constitution, is amended to read as follows:

Sec. 50. (a) The homestead of a family, or of a single adult person, shall be, and is hereby protected from forced sale, for the payment of all debts except for:

(1) the purchase money thereof, or a part of such purchase money; [;]

(2) the taxes due thereon; [;]

(3) an owelty of partition imposed against the entirety of the property by a court order or by a written agreement of the parties to the partition, including a debt of one spouse in favor of the other spouse resulting from a division or an award of a family homestead in a divorce proceeding; [;]

(4) the refinance of a lien against a homestead, including a federal tax lien resulting from the tax debt of both spouses, if the homestead is a family homestead, or from the tax debt of the owner;

(5) [~~or for~~] work and material used in constructing improvements thereon, if [~~and in this last case only when~~] the work and material are

contracted for in writing, with the consent of both spouses, in the case of a family homestead, given in the same manner as is required in making a sale and conveyance of the homestead; or

(6) an extension of credit that:

(A) is secured by a voluntary lien on the homestead created under a written agreement with the consent of each owner and each owner's spouse;

(B) is of a principal amount that when added to the aggregate total of the outstanding principal balances of all other indebtedness secured by valid encumbrances of record against the homestead does not exceed 75 percent of the fair market value of the homestead on the date the extension of credit is made;

(C) is without recourse for personal liability against each owner and the spouse of each owner;

(D) is secured by a lien that may be foreclosed upon only by a court order;

(E) does not require the owner or the owner's spouse to pay, in addition to any interest, fees to any person that are necessary to originate, evaluate, maintain, record, insure, or service the extension of credit that exceed, in the aggregate, three percent of the original principal amount of the extension of credit;

(F) is not a form of open-end account that may be debited from time to time or under which credit may be extended from time to time, unless the extension of credit is a reverse mortgage;

(G) is payable in advance without penalty or other charge;

(H) is not secured by any additional real or personal property other than the homestead;

(I) is not secured by homestead property designated for agricultural use as provided by statutes governing property tax;

(J) may not be accelerated because of a decrease in the market value of the homestead or because of the owner's default under other indebtedness not secured by a prior valid encumbrance against the homestead;

(K) is the only debt secured by the homestead at the time the extension of credit is made unless the other debt was made for a purpose described by Subsections (a)(1)-(a)(5) of this section;

(L) is, unless the extension of credit is a reverse mortgage, scheduled to be repaid in substantially equal successive monthly installments beginning no later than two months from the date the extension of credit is made, each of which equals or exceeds the amount of accrued interest as of the date of the scheduled installment;

(M) is closed not before:

(i) the 12th day after the later of the date that the owner of the homestead submits an application to the lender for the extension of credit or the date that the lender provides the owner a copy of the notice prescribed by Subsection (g) of this section; and

(ii) the first anniversary of the closing date of any other extension of credit described by Subsection (a)(6) of this section secured by the same homestead property;

(N) is closed only at the office of the lender, an attorney at law, or a title company;

(O) is made by:

(i) a bank, savings and loan association, savings bank, or credit union doing business under the laws of this state or the United States;

(ii) a federally chartered lending instrumentality or a person approved as a mortgagee by the United States government to make federally insured loans; or

(iii) a person licensed to make regulated loans, as provided by statute of this state; and

(P) is made on the condition that:

(i) the owner of the homestead is not required to apply the proceeds of the extension of credit to repay another debt that is not secured by the homestead or another debt to the lender;

(ii) the owner of the homestead not assign wages as security for the extension of credit;

(iii) the owner of the homestead not sign any instrument in which blanks are left to be filled in;

(iv) the owner of the homestead not sign a confession or judgment or power of attorney to the lender or to a third person to confess judgment or to appear for the owner in a judicial proceeding;

(v) the lender, at the time the extension of credit is made, provide the owner of the homestead a copy of all documents signed by the owner related to the extension of credit;

(vi) the security instruments securing the extension of credit contain a disclosure that the extension of credit is the type of credit defined by Section 50(a)(6), Article XVI, Texas Constitution;

(vii) within a reasonable time after termination and full payment of the extension of credit, the lender cancel and return the promissory note to the owner of the homestead and give the owner, in recordable form, a release of the lien securing the extension of credit or a copy of an endorsement and assignment of the lien to a lender that is refinancing the extension of credit;

(viii) the owner of the homestead and any spouse of the owner may, within three days after the extension of credit is made, rescind the extension of credit without penalty or charge;

(ix) the owner of the homestead and the lender sign a written acknowledgment as to the fair market value of the homestead property on the date the extension of credit is made; and

(x) the lender or any holder of the note for the extension of credit shall forfeit all principal and interest of the extension of credit if the lender fails to comply with the lender's obligations under the extension of credit within a reasonable time after the lender is notified of its failure to comply.

(b) An ~~nor may the~~ owner or claimant of the property claimed as homestead ~~may not~~ ~~[-if married,]~~ sell or abandon the homestead without the consent of ~~each owner and the~~ ~~[other]~~ spouse of each owner, given in such manner as may be prescribed by law.

(c) No mortgage, trust deed, or other lien on the homestead shall ever be valid unless it secures a debt described by this section, [except for a debt described by this section;] whether such mortgage, ~~[or]~~ trust deed, or other lien, shall have been created by the owner alone, or together with his or her spouse, in case the owner is married. All pretended sales of the homestead involving any condition of defeasance shall be void.

(d) A purchaser or lender for value without actual knowledge may conclusively rely on an affidavit that designates other property as the homestead of the affiant and that states that the property to be conveyed or encumbered is not the homestead of the affiant.

(e) A refinance of debt secured by a homestead and described by any subsection under Subsections (a)(1)-(a)(5) that includes the advance of additional funds may not be secured by a valid lien against the homestead unless:

(1) the refinance of the debt is an extension of credit described by Subsection (a)(6) of this section; or

(2) the advance of all the additional funds is for reasonable costs necessary to refinance such debt or for a purpose described by Subsection (a)(2), (a)(3), or (a)(5) of this section.

(f) A refinance of debt secured by the homestead, any portion of which is an extension of credit described by Subsection (a)(6) of this section, may not be secured by a valid lien against the homestead unless the refinance of the debt is an extension of credit described by Subsection (a)(6) of this section.

(g) An extension of credit described by Subsection (a)(6) of this section may be secured by a valid lien against homestead property if the extension of credit is not closed before the 12th day before the lender provides the owner with the following written notice on a separate instrument:

"NOTICE CONCERNING EXTENSIONS OF CREDIT

"DEFINED BY SEC. 50(a)(6), ARTICLE XVI, TEXAS CONSTITUTION:  
SEC. 50(a)(6) OF THE TEXAS CONSTITUTION ALLOWS CERTAIN  
LOANS TO BE SECURED AGAINST THE EQUITY IN YOUR HOME.  
SUCH LOANS ARE COMMONLY KNOWN AS EQUITY LOANS. IF YOU  
DO NOT REPAY THE LOAN OR IF YOU FAIL TO MEET THE TERMS  
OF THE LOAN, THE LENDER MAY FORECLOSE AND SELL YOUR  
HOME. THE CONSTITUTION PROVIDES THAT:

"(A) THE LOAN MUST BE VOLUNTARILY CREATED WITH  
THE CONSENT OF EACH OWNER OF YOUR HOME AND EACH  
OWNER'S SPOUSE;

"(B) THE PRINCIPAL LOAN AMOUNT AT THE TIME THE  
LOAN IS MADE MUST NOT EXCEED AN AMOUNT THAT, WHEN  
ADDED TO THE PRINCIPAL BALANCES OF ALL OTHER LIENS  
AGAINST YOUR HOME, IS MORE THAN 75% OF THE FAIR MARKET  
VALUE OF YOUR HOME;

"(C) THE LOAN MUST BE WITHOUT RECOURSE FOR  
PERSONAL LIABILITY AGAINST YOU AND YOUR SPOUSE;

"(D) THE LIEN SECURING THE LOAN MAY BE FORECLOSED  
UPON ONLY WITH A COURT ORDER;

"(E) FEES AND CHARGES TO MAKE THE LOAN MAY NOT  
EXCEED 3% OF THE LOAN AMOUNT;

"(F) THE LOAN MAY NOT BE AN OPEN-END ACCOUNT THAT MAY BE DEBITED FROM TIME TO TIME OR UNDER WHICH CREDIT MAY BE EXTENDED FROM TIME TO TIME, UNLESS THE LOAN IS A REVERSE MORTGAGE;

"(G) YOU MAY PRE-PAY THE LOAN WITHOUT PENALTY OR CHARGE;

"(H) NO ADDITIONAL COLLATERAL MAY BE SECURITY FOR THE LOAN;

"(I) THE LOAN MAY NOT BE SECURED BY AGRICULTURAL HOMESTEAD PROPERTY;

"(J) YOU ARE NOT REQUIRED TO REPAY THE LOAN EARLIER THAN AGREED SOLELY BECAUSE THE FAIR MARKET VALUE OF YOUR HOME DECREASES OR BECAUSE YOU DEFAULT ON ANOTHER LOAN THAT IS NOT SECURED BY YOUR HOME;

"(K) ONLY ONE LOAN DESCRIBED BY SEC. 50(a)(6) OF THE CONSTITUTION MAY BE SECURED WITH YOUR HOME AT ANY GIVEN TIME;

"(L) THE LOAN MUST BE SCHEDULED TO BE REPAYED IN PAYMENTS THAT EQUAL OR EXCEED THE AMOUNT OF ACCRUED INTEREST FOR EACH PAYMENT PERIOD, UNLESS THE LOAN IS A REVERSE MORTGAGE;

"(M) THE LOAN MAY NOT CLOSE BEFORE 12 DAYS AFTER YOU SUBMIT A WRITTEN APPLICATION TO THE LENDER OR BEFORE 12 DAYS AFTER YOU RECEIVE THIS NOTICE, WHICHEVER DATE IS LATER; AND IF YOUR HOME WAS SECURITY FOR THE SAME TYPE OF LOAN WITHIN THE PAST YEAR, A NEW LOAN SECURED BY THE SAME PROPERTY MAY NOT CLOSE BEFORE ONE YEAR HAS PASSED FROM THE CLOSING DATE OF THE OTHER LOAN;

"(N) THE LOAN MAY CLOSE ONLY AT THE OFFICE OF THE LENDER, TITLE COMPANY, OR AN ATTORNEY AT LAW;

"(O) ONLY A LAWFULLY AUTHORIZED LENDER MAY MAKE LOANS DESCRIBED BY SEC. 50(a)(6) OF THE CONSTITUTION; AND

"(P) LOANS DESCRIBED BY SEC. 50(a)(6) OF THE CONSTITUTION MUST:

"(1) NOT REQUIRE YOU TO APPLY THE PROCEEDS TO ANOTHER DEBT THAT IS NOT SECURED BY YOUR HOME OR TO ANOTHER DEBT TO THE SAME LENDER;

"(2) NOT REQUIRE THAT YOU ASSIGN WAGES AS SECURITY;

"(3) NOT REQUIRE THAT YOU EXECUTE INSTRUMENTS WHICH HAVE BLANKS LEFT TO BE FILLED IN;

"(4) NOT REQUIRE THAT YOU SIGN A CONFESSION OF JUDGMENT OR POWER OF ATTORNEY TO ANOTHER PERSON TO CONFESS JUDGMENT OR APPEAR IN A LEGAL PROCEEDING ON YOUR BEHALF;

"(5) PROVIDE THAT YOU RECEIVE A COPY OF ALL DOCUMENTS YOU SIGN AT CLOSING;



"(6) PROVIDE THAT THE SECURITY INSTRUMENTS CONTAIN A DISCLOSURE THAT THIS LOAN IS A LOAN DEFINED BY SEC. 50(a)(6) OF THE TEXAS CONSTITUTION;

"(7) PROVIDE THAT WHEN THE LOAN IS PAID IN FULL, THE LENDER WILL SIGN AND GIVE YOU A RELEASE OF LIEN OR AN ASSIGNMENT OF THE LIEN, WHICHEVER IS APPROPRIATE;

"(8) PROVIDE THAT YOU MAY, WITHIN 3 DAYS AFTER CLOSING, RESCIND THE LOAN WITHOUT PENALTY OR CHARGE;

"(9) PROVIDE THAT YOU AND THE LENDER ACKNOWLEDGE THE FAIR MARKET VALUE OF YOUR HOME ON THE DATE THE LOAN CLOSES; AND

"(10) PROVIDE THAT THE LENDER WILL FORFEIT ALL PRINCIPAL AND INTEREST IF THE LENDER FAILS TO COMPLY WITH THE LENDER'S OBLIGATIONS."

(h) Subsection (a)(6) and Subsections (e)-(g) of this section are not severable, and none of those provisions would have been enacted without the others. If any of those provisions is held to be preempted by the laws of the United States, all of those provisions are invalid. This subsection shall not apply to any lien or extension of credit made after January 1, 1998 and before the date any provision under Subsection (a)(6) or Subsections (e)-(g) is held to be preempted.

SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 75th Legislature, Regular Session, 1997, authorizing a voluntary consensual encumbrance on homestead property.

(b) The constitutional amendment takes effect January 1, 1998.

(c) This temporary provision takes effect on the adoption of the amendment by the voters and expires January 2, 1998.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 4, 1997. The ballot shall be printed to permit voting for or against the proposition: "The amendment to the Texas Constitution expanding the types of liens for home equity loans that a lender, with the homeowner's consent, may place against a homestead."

(Bosse in the chair)

(Speaker in the chair)

## **Amendment No. 2**

Representative Wolens offered the following amendment to Amendment No. 1:

Amend the proposed floor substitute to **CSHJR 31** as follows:

(1) On page 4, strike lines 16-17, and substitute "repay another debt except debt secured by the homestead or debt to another lender."

(2) On page 7, line 9, strike "before" and substitute "after".

Amendment No. 2 was adopted without objection.

**Amendment No. 3**

Representative Marchant offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 to **CSHJR 31** as follows:

(1) On page 2, line 13, between "owner" and the semicolon insert "unless the lender obtains a judicial foreclosure of the lien securing the indebtedness".

(2) On page 2, strike lines 14 and 15 and renumber other subsections of Section 50(a)(6) accordingly.

(3) On page 7, line 25, between "SPOUSE" and the semicolon insert "UNLESS THE LENDER OBTAINS A JUDICIAL FORECLOSURE OF THE LIEN SECURING THE LOAN"

(4) On page 7, strike lines 26 and 27 and renumber other subsections of Section 50(g) accordingly.

(5) On page 9, strike line 27 and on page 10, strike lines 1 through 7 and insert the following:

(h) On default by the borrower under an extension of credit under subsection (a)(6) of this Section, the holder of the loan may not seek recourse against the assets of the borrower, other than the homestead property securing the loan, unless the holder has obtained a judicial foreclosure of the lien securing the loan in a district court of the county in which the homestead property is located. If the holder elects to sell the homestead property under a power of sale conferred by a deed of trust or other contract lien rather than obtain a judicial foreclosure of the lien, the holder shall send the borrower written notice of default by certified mail. The holder may not give notice of the sale required by statute until the borrower is given at least 30 days after receiving the notice to cure the default, including the day on which the notice is given and the day notice of the sale is given as required by statute.

(i) Subsection (a)(6) and Subsections (e)-(h) of this section are not severable, and none of those provisions would have been enacted without the others. If any of those provisions is held to be preempted by the laws of the United States, all of those provisions are invalid. This subsection shall not apply to any lien or extension of credit made after January 1, 1998 and before the date any provisions under Subsection (a)(6) or Subsections (e)-(h) is held to be preempted.

Representative Wolens moved to table Amendment No. 3.

A record vote was requested.

The motion to table prevailed by (Record 366): 101 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Alvarado; Averitt; Bailey; Berlanga; Bonnen; Brimer; Burnam; Carter; Chavez; Chisum; Clark; Cook; Corte; Counts; Crabb; Cuellar; Culbertson; Davila; Davis; Denny; Dukes; Dunnam; Dutton; Edwards; Farrar; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Greenberg; Haggerty; Heflin; Hightower; Hilbert; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Horn; Howard; Hunter; Hupp; Jackson; Janek; Jones, D.; Jones, J.; Junell; King; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McCall; McReynolds; Merritt; Moffat; Moreno; Naishtat; Nixon; Oakley; Oliveira; Olivo; Pickett;

Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Seaman; Serna; Shields; Siebert; Smithee; Solis; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, S.; Uher; Walker; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens.

Nays — Alexander; Allen; Bosse; Christian; Coleman; Craddick; Danburg; Delisi; Driver; Ehrhardt; Eiland; Elkins; Finnell; Goodman; Goolsby; Gray; Grusendorf; Hamric; Hartnett; Hawley; Hernandez; Holzheuser; Kamel; Keel; Keffer; Krusee; Kubiak; Madden; Marchant; McClendon; Mowery; Palmer; Patterson; Pitts; Roman; Sadler; Smith; Solomons; Turner, B.; Van de Putte; West; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C); Gutierrez.

Absent — Hilderbran; Isett.

### STATEMENTS OF VOTE

When Record No. 366 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

I was shown voting no on Record No. 366. I intended to vote yes.

Kamel

### Amendment No. 4

Representative Grusendorf offered the following amendment to Amendment No. 1:

Amend the Wolens amendment to **CSHJR 31** on page 2, by striking lines 6-11 and relettering subsequent paragraphs of Subdivision (6) appropriately.

Representative Marchant moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 367): 130 Yeas, 14 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goolsby; Gray; Greenberg; Gutierrez; Haggerty; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirsch; Hochberg; Hodge; Holzheuser; Howard; Hunter; Hupp; Jackson; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, R.; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Mowery; Naishtat; Oakley; Oliveira; Olivo; Palmer; Patterson; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Crabb; Goodman; Grusendorf; Hamric; Horn; Janek; Jones, D.; Lewis, G.; Longoria; Nixon; Reyna, E.; Smith; Thompson; Wilson.

Present, not voting — Mr. Speaker(C).

Absent — Edwards; Isett; Moreno; Pickett.

### **Amendment No. 5**

Representative Place offered the following amendment to Amendment No. 1:

Amend the Wolens amendment to **CSHJR 31** on page 3, by striking lines 3-5 and relettering the subsequent paragraphs in Subdivision (6) accordingly.

Representative Junell moved to table Amendment No. 5.

A record vote was requested.

The motion to table was lost by (Record 368): 66 Yeas, 73 Nays, 8 Present, not voting.

Yeas — Alexander; Averitt; Bonnen; Brimer; Burnam; Chavez; Chisum; Coleman; Corte; Craddick; Cuellar; Culberson; Danburg; Denny; Driver; Eiland; Finnell; Gallego; Galloway; Garcia; Goodman; Gray; Hawley; Hightower; Hilbert; Hilderbran; Holzheuser; Hunter; Hupp; Janek; Jones, D.; Junell; King; Krusee; Kubiak; Kuempel; Lewis, R.; Marchant; Merritt; Moffat; Mowery; Naishtat; Nixon; Olivo; Patterson; Pitts; Price; Rabuck; Raymond; Reyna, A.; Rhodes; Seaman; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Uher; Walker; West; Wolens; Zbranek.

Nays — Allen; Alvarado; Bailey; Berlanga; Bosse; Carter; Christian; Clark; Cook; Counts; Crabb; Davila; Davis; Delisi; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Farrar; Flores; Glaze; Goolsby; Grusendorf; Gutierrez; Haggerty; Hamric; Heflin; Hernandez; Hill; Hirschi; Hodge; Horn; Howard; Jackson; Jones, J.; Kamel; Keel; Keffer; Lewis, G.; Longoria; Luna; Madden; McCall; McClendon; McReynolds; Moreno; Oakley; Oliveira; Palmer; Pickett; Place; Puente; Ramsay; Rangel; Reyna, E.; Roman; Sadler; Serna; Solis; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Williams; Williamson; Wilson; Wise; Wohlgemuth; Woolley; Yarbrough.

Present, not voting — Mr. Speaker(C); Dukes; Giddings; Greenberg; Hinojosa; Hochberg; Maxey; Smith.

Absent — Hartnett; Isett.

### **STATEMENTS OF VOTE**

I was shown voting no on Record No. 368. I intended to vote yes.

Kamel

When Record No. 368 was taken, I was temporarily out of the house chamber. I would have voted no.

Hartnett

I was shown voting no on Record No. 368. I intended to vote yes.

Hernandez

A record vote was requested.

Amendment No. 5 failed of adoption by (Record 369): 62 Yeas, 80 Nays, 4 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Berlanga; Bosse; Brimer; Burnam; Christian; Cook; Counts; Crabb; Culberson; Davis; Dukes; Dunnam; Edwards; Flores; Garcia; Giddings; Glaze; Gray; Grusendorf; Gutierrez; Haggerty; Heflin; Hill; Hinojosa; Hirschi; Horn; Howard; Jackson; Jones, J.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McReynolds; Moreno; Oakley; Oliveira; Pickett; Place; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Sadler; Solis; Telford; Tillery; Turner, B.; Turner, S.; Van de Putte; Wilson; Wise; Wohlgemuth; Yarbrough; Zbranek.

Nays — Allen; Averitt; Bonnen; Carter; Chavez; Chisum; Clark; Corte; Craddick; Cuellar; Danburg; Davila; Delisi; Denny; Driver; Dutton; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Goodman; Goolsby; Hamric; Hartnett; Hawley; Hernandez; Hightower; Hilbert; Hilderbran; Hodge; Holzheuser; Hunter; Hupp; Janek; Jones, D.; Junell; Kamel; Keel; Keffer; King; Krusee; Kuempel; Lewis, G.; Marchant; McClendon; Merritt; Moffat; Mowery; Naishtat; Nixon; Olivo; Palmer; Patterson; Pitts; Price; Rabuck; Rhodes; Roman; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Thompson; Torres; Uher; Walker; West; Williams; Williamson; Wolens; Woolley.

Present, not voting — Mr. Speaker(C); Galloway; Greenberg; Hochberg.

Absent — Coleman; Isett; Kubiak.

### STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 369. I intended to vote yes.

Galloway

I was shown voting no on Record No. 369. I intended to vote yes.

Serna

### Amendment No. 6

Representatives Ramsay and Staples offered the following amendment to Amendment No. 1:

Amend the Wolens amendment to **CSHJR 31** on page 3, line 5, between "tax" and the semicolon, by inserting ", unless the equity loan proceeds are used by the homestead owner to acquire other agricultural property".

Representative B. Turner moved to table Amendment No. 6.

The motion to table prevailed.

### Amendment No. 7

Representative Elkins offered the following amendment to Amendment No. 1:

Amend the Wolens amendment to **CSHJR 31** as follows:

(1) On page 4, line 12, insert the following:

"(iv) a person contracted to make, originate, or arrange loans qualified for purchase by the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation; and"

(2) On page 4, line 10, strike "or".

(3) On page 4, line 12, strike "and" and substitute "or".

Amendment No. 7 was withdrawn.

#### **Amendment No. 8**

Representative Rangel offered the following amendment to Amendment No. 1:

Amend the Wolens amendment to **CSHJR 31** as follows:

(1) On page 9, line 26, after the period insert: "If the discussions with the borrower are conducted primarily in a language other than English, the lender shall, before closing, provide an additional copy of the notice translated into the written language in which the discussions were conducted.".

Amendment No. 8 was adopted without objection.

#### **Amendment No. 9**

Representative Hochberg offered the following amendment to Amendment No. 1:

Amend the Wolens amendment to **CSHJR 31** on page 10, between lines 7 and 8, by inserting the following:

(i) The advances made on a reverse mortgage loan under which more than one advance is made must be made at regular intervals according to a plan established by the original loan agreement.

Amendment No. 9 was adopted.

#### **Amendment No. 10**

Representative Elkins offered the following amendment to Amendment No. 1:

Amend the Wolens amendment to **CSHJR 31** as follows:

(1) On page 4, line 12, insert the following:

"(iv) a person contracted to make, originate, or arrange loans qualified for purchase by the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation; and"

(2) On page 4, line 10, strike "or".

(3) On page 4, line 12, strike "and" and substitute "or".

Representative Wolens moved to table Amendment No. 10.

The motion to table prevailed.

#### **Amendment No. 11**

Representative Chavez offered the following amendment to Amendment No. 1:

Amend the Wolens amendment to **CSHJR 31** on page 10, between lines 7 and 8, by inserting the following:

(i) A lender is not eligible to make an equity loan if the Consumer Credit Commissioner determines that the lender has engaged in the practice of refusing to make loans because the applicants for the loans reside or the property proposed to secure the loans is located in a certain area, until the Consumer Credit Commissioner determines that the lender is no longer engaging in that practice.

Amendment No. 11 was withdrawn.

#### **Amendment No. 12**

Representative Place offered the following amendment to Amendment No. 1:

Amend the Wolens amendment to **CSHJR 31** on page 3, line 5, between "tax" and the semicolon, by inserting ", other than use for the production of milk".

Representative Patterson moved to table Amendment No. 12.

The motion to table prevailed.

#### **Amendment No. 13**

Representative Chavez offered the following amendment to Amendment No. 1:

Amend the Wolens amendment to **CSHJR 31** as follows:

(1) On page 4, line 4, between "by" and the colon, insert:

one of the following that has not been found by a federal regulatory agency to have engaged in the practice of refusing to make loans because the applicants for the loans reside or the property proposed to secure the loans is located in a certain area

Amendment No. 13 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

A record vote was requested.

**CSHJR 31**, as amended, was adopted by (Record 370): 112 Yeas, 36 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Bonnen; Brimer; Carter; Chavez; Christian; Clark; Coleman; Corte; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Denny; Driver; Dukes; Dutton; Ehrhardt; Eiland; Elkins; Farrar; Gallego; Garcia; Giddings; Glaze; Goodman; Goolsby; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Hunter; Hupp; Isett; Jackson; Janek; Kamel; Keel; Keffer; Krusee; Kuempel; Lewis, G.; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Moffat; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pitts; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Solis; Solomons; Staples; Stiles; Thompson; Tillery; Torres; Turner, S.; Van de Putte; West; Williams; Williamson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbrank.

Nays — Alvarado; Berlanga; Bosse; Burnam; Chisum; Cook; Counts; Delisi; Dunnam; Edwards; Finnell; Flores; Galloway; Gray; Howard; Jones, D.; Jones, J.; Junell; King; Kubiak; Lewis, R.; Longoria; Luna; Merritt; Moreno; Pickett; Place; Reyna, A.; Smithee; Swinford; Talton; Telford; Turner, B.; Uher; Walker; Wilson.

Present, not voting — Mr. Speaker(C).

### STATEMENTS OF VOTE

I was shown voting no on Record No. 370. I intended to vote yes.

Flores

I was shown voting no on Record No. 370. I intended to vote yes.

J. Jones

### RULES SUSPENDED

Representative Solomons moved to suspend the 5-day posting rule to allow the Committee on Business and Industry to consider **HB 484, HB 1221, HB 1272, HB 1273, HB 3445, SB 320, SB 555, SB 568, SB 573, SB 777, SB 885, SB 1094, SB 1581, SB 1678, SB 1837, and SB 1864.**

The motion prevailed without objection.

Representative Chisum moved to suspend the 5-day posting rule to allow the Committee on Environmental Regulation to consider pending business in a public hearing.

The motion prevailed without objection.

Representative Craddick moved to suspend the 5-day posting rule to allow the Committee on Ways and Means to consider **SB 102, SB 746, SB 861, SB 862, SB 1249, SB 1407, SB 1440, SB 1557, SB 1596, SB 1805, and SJR 45.**

The motion prevailed without objection.

Representative Danburg moved to suspend the 5-day posting rule to allow the Committee on Elections to consider **SB 96 and SB 993.**

The motion prevailed without objection.

### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

State, Federal, and International Relations, on recess today, Desk 128, to consider **HCR 238 and SCR 57.**

Business and Industry, on recess today, Desk 3, to consider **HB 484, HB 1221, HB 1272, HB 1273, HB 3445, SB 320, SB 555, SB 573, SB 568, SB 777, SB 885, SB 1094, SB 1581, SB 1678, SB 1837, and SB 1864.**

Environmental Regulation, on recess today, E2.010, Capitol Extension, to consider pending business.

### STATEMENT OF VOTE

When Record No. 364 was taken, I was outside the chamber meeting with the Junior Historians from Alpine Middle School. I would have voted yes.

Gallego



## RECESS

Representative Swinford moved that the house recess until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 8:30 p.m., recessed until 10 a.m. tomorrow.

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## ADDENDUM

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### REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

#### List No. 1

**HB 3609** (by Place), Relating to the boundaries, powers, administration, duties, finances, contracts, and terms of directors of the Upper Leon River Municipal Water District.

To Natural Resources.

**HCR 242** (by Counts), In memory of Glenn Hopkins.

To Rules & Resolutions.

**HCR 244** (by Edwards), Commending Ramsay H. Gillman for his achievements in the automotive industry.

To Rules & Resolutions.

**HR 849** (by R. Lewis), Congratulating Richard Drake on the occasion of his retirement as adult probation chief of the First Judicial District Supervision and Correction Department.

To Rules & Resolutions.

**HR 850** (by Kubiak), Commemorating Polish president Lech Walesa's visit to Texas in October 1996.

To Rules & Resolutions.

**HR 851** (by Patterson), Congratulating Peter and Earlene Winkfein on the occasion of their 50th wedding anniversary.

To Rules & Resolutions.

**HR 857** (by Haggerty), In memory of John P. Rubocki.

To Rules & Resolutions.

**HR 858** (by Alvarado), Honoring Dr. Damaso A. Oliva, Jr., on his outstanding achievements.

To Rules & Resolutions.

**HR 861** (by Place), In memory of Helen Graves.

To Rules & Resolutions.

**HR 862** (by Cuellar), Honoring Claudia Y. Santos on being named 1996-1997 Youth of the Year by the U.S. Border Patrol.

To Rules & Resolutions.

**HR 867** (by Pitts), Welcoming Dian Hawkins Schneider to the Capitol.

To Rules & Resolutions.

**SB 10** to County Affairs.

**SB 629** to Urban Affairs.

**SB 993** to Elections.

**SB 1563** to Judicial Affairs.

**SB 1571** to State Affairs.

**SB 1594** to Juvenile Justice & Family Issues.

**SB 1930** to County Affairs.

**SB 1936** to Juvenile Justice & Family Issues.

**SCR 13** to Public Education.

#### **SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

#### **House List No. 51**

**HB 588, HB 708, HB 711, HB 758, HB 833, HB 1149, HB 1386, HB 1929**

#### **Senate List No. 21**

**SB 63, SB 126, SB 191, SB 372, SB 452, SB 515, SB 526, SB 611, SB 614, SB 652, SB 754, SB 887, SB 908, SB 927, SB 952, SB 1012, SB 1044, SB 1113, SB 1125, SB 1174, SB 1826, SCR 36**

#### **MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

#### **Message No. 1**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, May 9, 1997

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

## THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 3** Berlanga SPONSOR: Sibley  
Relating to establishing the Texas Healthy Kids Corporation and other health benefit coverage to increase access to health care for children.  
(COMMITTEE SUBSTITUTE/AMENDED)

**HCR 207** Patterson, L.P. "Pete" SPONSOR: Ratliff  
Honoring James A. Dawson for his contributions to the community.

**SB 722** Moncrief  
Relating to the refusal of registration of motor vehicles by a county assessor-collector or the Texas Department of Transportation under certain conditions.

**SB 1873** Bivins  
Relating to public school finance, including the abolition of the foundation school fund budget committee.

**SB 1935** Barrientos  
Relating to certain municipal hotel occupancy taxes.

Respectfully,

Betty King  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 9, 1997 - 2

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

## THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 1309** Patterson, Jerry  
Relating to the regulation of the use of electroconvulsive therapy.

**SB 1786** Cain  
Relating to project contract claims against a unit of state government.

**SCR 80** Cain  
Recognizing the exceptional accomplishments of the Texas Highway Department and Texas Department of Transportation.

**SCR 86** Bivins  
Commending Commissioner Kenneth H. Ashworth for his outstanding public service.

**SCR 87** Barrientos

Commending the O. Henry Museum for its Opportunity-For-Youth Writing Clubs for Austin's inner-city youth.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

**SB 1243** (viva-voce vote)

Respectfully,

Betty King  
Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

May 8

Civil Practices - **SB 637, SB 1007, SB 1105, SB 1376, SB 1851**

County Affairs - **SB 157, SB 1179, SB 1203, SB 1233, SB 1277**

Economic Development - **SB 213**

Energy Resources - **SB 925**

Environmental Regulation - **SB 843, SB 1464**

Financial Institutions - **SB 1663**

Higher Education - **HB 2993, SB 811, SCR 42**

Insurance - **HB 3601**

Juvenile Justice & Family Issues - **HB 2070, SB 502, SB 1726**

Land & Resource Management - **SB 478, SB 1394, SB 1600, SB 1601, SB 1922**

Licensing & Administrative Procedures - **SB 525, SB 1031**

Natural Resources - **SB 1656, SCR 35**

Pensions & Investments - **SB 1460, SB 1568**

Public Education - **HB 816**

Public Health - **SB 877**

Public Safety - **SB 875, SB 964**

State Recreational Resources - **SB 595, SB 991**

State, Federal & International Relations - **SB 771, SB 1108, SB 1127**

Transportation - **HB 3092**

Urban Affairs - **HB 2511, HB 2750, HB 2903, SB 951, SB 1736**

Ways & Means - **SB 1033**

**ENGROSSED**

May 8 - **HB 17, HB 92, HB 247, HB 318, HB 540, HB 607, HB 793, HB 819, HB 863, HB 942, HB 1117, HB 1144, HB 1209, HB 1553, HB 1561, HB 1610, HB 1665, HB 1708, HB 1716, HB 1734, HB 1780, HB 1812, HB 1865, HB 1941, HB 1990, HB 2017, HB 2101, HB 2129, HB 2189, HB 2255, HB 2257, HB 2300, HB 2384, HB 2386, HB 2587, HB 2681, HB 2776, HB 2845, HB 2873, HB 2877, HB 2932, HB 3021, HB 3063, HB 3269, HB 3306, HB 3319, HB 3337, HB 3345, HB 3448, HB 3513**

May 9 - **HB 820, HB 1176, HB 1483, HB 1518, HB 1755, HB 1789, HB 1791, HB 1945, HB 2061, HB 2629, HB 3391**

**ENROLLED**

May 8 - **HB 6, HB 8, HB 566, HB 614, HB 708, HB 1404, HB 2185, HCR 39, HCR 90, HCR 221, HCR 234, HJR 8, HJR 59**

May 9 - **HB 588, HB 711, HB 758, HB 833, HB 1149, HB 1386, HB 1929**

**SENT TO THE GOVERNOR**

May 8 - **HB 6, HB 8, HB 566, HB 614, HB 794, HB 1404, HB 1474, HB 1741, HB 1955, HB 2185, HCR 29, HCR 39, HCR 90, HCR 94, HCR 221, HCR 234**

**SENT TO THE SECRETARY OF STATE**

May 8 - **HJR 8, HJR 59**

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